

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

DONALD GENE HOLMES

§

VS.

§

CIVIL ACTION NO. 1:10cv509

UNITED STATES OF AMERICA

§

MEMORANDUM OPINION REGARDING VENUE

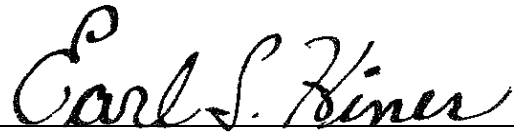
Petitioner Donald Gene Holes, an inmate confined in the Federal Correctional Institution at Big Spring, Texas ("FCI-Big Spring"), proceeding *pro se*, filed what has been construed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner seeks credit towards his sentence for time spent in pretrial detention.

A petition filed pursuant to Section 2241 must be filed in the judicial district where the petitioner is incarcerated. *United States v. Gabor*, 905 F.2d 76 (5th Cir. 1990).

FCI-Big Spring is located in the Abilene Division of the Northern District of Texas. As petitioner is not confined within the Eastern District of Texas, this court lacks jurisdiction over his petition and may not adjudicate his claim. Accordingly, this petition will be transferred to the Abilene Division of the United States District Court for the Northern District of Texas.

A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 3 day of September, 2010.

A handwritten signature in cursive script, reading "Earl S. Hines", written over a horizontal line.

EARL S. HINES

UNITED STATES MAGISTRATE JUDGE